

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**WILLIE EARL THOMPSON, )  
vs. )  
Plaintiff )  
 )  
vs. )      Case No. 2:06-cv-00979-VEH-HGD  
 )  
WARDEN KENNETH JONES, )  
et al., )  
 )  
Defendants )**

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**MEMORANDUM OF OPINION**

The magistrate judge filed a Report and Recommendation on August 27, 2008, recommending that the defendant's motion for summary judgment be granted and this cause be dismissed with prejudice. No objections have been filed by any party.<sup>1</sup>

Having carefully reviewed and considered *de novo* all the materials in the court file, including the Report and Recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. The court **EXPRESSLY FINDS** that there are no

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<sup>1</sup> The plaintiff states in his September 8, 2008, "Motion for Evidentiary Hearing," (Doc. #24), that he is not physically or mentally able to respond to the Report and Recommendation. However, the plaintiff has clearly been able to file and maintain this action thus far.

genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. Accordingly, defendant's motion for summary judgment is due to be **GRANTED** and this action is due to be **DISMISSED WITH PREJUDICE**. A Final Judgment will be entered.

**DONE** this the 22nd day of September, 2008.



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**VIRGINIA EMERSON HOPKINS**  
United States District Judge